

FILED IN 15TH
CIRCUIT COURT
2020 NOV 6 PM 2:56

IN THE CIRCUIT COURT OF HARRISON COUNTY, WEST VIRGINIA

TINA MCWILLIAMS,

Plaintiff,

v.

CIVIL ACTION NO. 20-C-264-3
Judge MARSH

JOHN WESLEY FRYE, and
IGES INDUSTRIES, INC.

Defendants.

COMPLAINT¹

1. Plaintiff, Tina McWilliams, is a resident of Harrison County, West Virginia.
2. Upon information and belief, Defendant, John Wesley Frye, is a resident of Newport News, Virginia.
3. Upon information and belief, Defendant, IGES Industries, Inc., is a Utah corporation headquartered in Salt Lake City, Utah which conducts business in Harrison County, West Virginia.
4. This case involves claims for personal injuries stemming from a motor vehicle accident that occurred in Harrison County, West Virginia.
5. Jurisdiction and venue are appropriate in this Court.

NEGLIGENCE, GROSS NEGLIGENCE, AND/OR RECKLESSNESS

6. On November 10, 2018 Plaintiff Tina McWilliams was a passenger in a vehicle operated by her husband Chuck McWilliams and traveling west bound on U.S. Route 50 in Clarksburg, West Virginia.

¹ Plaintiff notes that the undersigned was retained several days prior to the expiry of any applicable statute of limitations. Plaintiff further notes that no accident report has been prepared with respect to the underlying accident that is the subject of this Complaint. Thus, this Complaint is being filed imminently to preserve Plaintiff's legal rights against these Defendants and when further investigation is completed, Plaintiff will file an Amended Complaint which may supplement, amend, and/or make changes to the Parties, Facts, and Claims as set forth in this Complaint.

EXHIBIT "A"

7. Meanwhile, Defendant John Wesley Frye was operating a Ford F250 traveling east bound on U.S. Route 50 when he suddenly negligently, carelessly, and recklessly lost control of the vehicle causing it to veer off the roadway and enter into the center median.

8. Defendant Frye's negligent, careless, and reckless operation of the vehicle caused the Ford F250 to enter the median and somehow go airborne directly towards the westbound lane of U.S. Route 50.

9. At that time, Plaintiff's husband immediately performed several defensive driving maneuvers, including swerving and abruptly stopping, to avoid being struck by the Ford F250 being negligently, carelessly, and recklessly operated by Defendant Frye.

10. Ultimately, the Ford F250 came to a rest in the area of the front driver's side of Plaintiff's husband's vehicle. Fortunately, due to Plaintiff's husband's defensive driving maneuvers, there was no contact between his vehicle and the Ford F250 negligently, carelessly, and recklessly operated by Defendant Frye.

11. At the time of the collision, Defendant Frye was acting in the employ of IGES Industries, Inc., such that his negligent, careless, and reckless actions are imputed to his employer under the doctrine of respondeat superior.

12. As a direct and proximate result of Defendant Frye's negligent, careless, and reckless conduct and the near-collision described above, Plaintiff suffered serious injuries to her body.

13. Plaintiff and her husband were free from any negligence at all times relevant to this Complaint.

12. As a direct and proximate result of Defendant Frye's negligence, carelessness, and/or reckless conduct, Plaintiff has and/or will continue to incur in the future, special and general damages, including, but not limited to:

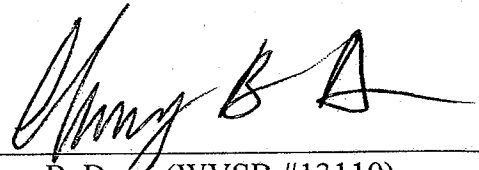
- (A) Medical expenses;
- (B) Pain and suffering;
- (C) Physical limitations;
- (D) Diminished capacity to enjoy life;
- (E) Annoyance and inconvenience; and
- (F) Other consequences and damages associated with their injuries as may be specified as this action progresses.

WHEREFORE, Plaintiff Tina McWilliams requests that she be awarded judgment against Defendants John Wesley Frye and IGES Industries, Inc., for the following:

- (A) Compensatory damages in an amount to be determined by a jury;
- (B) Punitive damages, to the extent warranted by the evidence and warranted by law;
- (C) Pre-judgment and post-judgment interest as allowed by law;
- (D) Attorneys' fees, costs, and expenses incurred in connection with this action; and
- (E) Such other and further relief as this Court deems just and appropriate under the circumstances.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES SO TRIABLE.

Dated this 6th day of November, 2020.

A handwritten signature in black ink, appearing to read "Chirag B. Desai", written over a horizontal line.

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